

EEOC Form 5 (11/09)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

543-2010-01709

**New Mexico Dept of Workforce Solutions, Human Rights Bureau**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Mrs. Juanita Garcia**

Home Phone (Incl. Area Code)

**(505) 632-0248**

Date of Birth

**10-06-1955**

Street Address

City, State and ZIP Code

**25 CR 5285, Bloomfield, NM 87413**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**CITY OF FARMINGTON**

No. Employees, Members

**15 - 100**

Phone No. (Include Area Code)

**(505) 599-1133**

Street Address

City, State and ZIP Code

**800 Municipal Drive, Farmington, NM 87401**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es)).

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☒ NATIONAL ORIGIN☒ RETALIATION ☒ AGE ☐ DISABILITY ☐ GENETIC INFORMATION☐ OTHER (Specify)DATE(S) DISCRIMINATION TOOK PLACE  
Earliest Latest**04-01-2009****10-20-2010**☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)).

On 04/01/09, I began my employment as an Operator Technician Trainee I. When I was hired, I was told that I would be promoted quickly and that my wages would increase. I have since completed my probation period and I have not been promoted. In order to be promoted to the next level, I have to take a technical test. I have been told that the test has not been written up and that I'm not eligible until 2011. I know of a male who was given the test and has been promoted to Operator Technician I. I have complained to Human Resources, and filed a grievance through the Union. I also complained to Human Resources about being called a "Mexican" by a co-worker. I feel that I am being retaliated in that I am given different assignments and harassed.

I believe I am being discriminated against because of my gender-female, national origin Hispanic, retaliated against and age (55). These are violations of Title VII of the Civil Rights Act of 1964, as amended, and the Age Discrimination in Employment Act.

**EXHIBIT**

tabbies

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ALBUQUERQUE AREA OFFICE  
EEOC  
RECEIVED

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I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY -- When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

0843  
Garcia 12cv383

Date

Charging Party Signature

12/10/10

Juanita Garcia